

**Enrolled Minutes of the Twenty-Fourth Regular Meeting
Of the Twenty-Sixth Highland Town Council
Monday, December 08, 2008**

Study Session. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, December 08, 2008 at 6:30 O'clock P.M. in the regular place, the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark A. Herak, Dan Vassar, Brian Novak and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent meeting.
2. The Town Council discussed the adoption of the snow and ice control operations policy, as expressed in Works Board Order No.2008-27. The discussion included consideration of the current price of road salt representing a 280% increase over the bid price per ton obtained last year.
3. The Town Council noted that the Public Works Director was slated to make a presentation to the Highland Chamber of Commerce at its monthly meeting of December 9, 2008.

The study session ended at 6:59 O'clock p.m.

Regular Meeting. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, December 08, 2008 at 7:00 O'clock p.m. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President Bernie Zemen presided and the Town Clerk-Treasurer was present to memorialize the proceedings.

The session was opened with the Town Councilor Dan Vassar leading the pledge of allegiance to the United States Flag and offering a prayer.

Roll Call: Councilors Bernie Zemen, Mark A. Herak, Dan Vassar, Brian Novak and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Council Attorney; John Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Kenneth J. Mika, Building Commissioner; William R. Timmer, CFOD, Fire Chief; Cecile Petro, Redevelopment Director and Alex M. Brown, CPRP, Parks and Recreation Superintendent.

Jared Tauber of Tauber, Westland and Bennett; Lisa Gauthier, Karen Ziants and Laurel Roach of the Community Events Commission; Ed Dabrowski of the Park and Recreation Board; Leroy Fassett of the Shared Ethics Advisory Commission; and Mark Roorda of the Town Board of Metropolitan Police Commissioners were also present.

Minutes of the Previous Session

The minutes of the regular meeting of 24 November 2008 were approved by general consent.

Communication:

1. The Clerk-Treasurer read aloud the letter from Jeanne Moseley reporting her desire and intention to resign from her position as a member of the Board of Sanitary Commissioners, effective December 31, 2008. It was noted that pursuant to IC 5-10-8-4-4, her resignation is effective once filed with proper officer. No further action is necessary.

Staff Reports: The Council received the following reports as information for the record:

• **Building & Inspection Report for November 2008**

Permit Type	No.	Residential	Commercial	Est. Cost	Fees
Single Family	1	1	0	\$189,500.00	\$2,110.00
Duplex/Condo	0	0	0	\$0.00	\$0.00
Commercial	0	0	0	\$0.00	\$0.00
Residential	86	86	0	\$647,799.00	\$9,995.00
Addit/Remodel					
Commercial	3	0	3	\$17,375.00	\$315.00
Addit/Remodel					
Schools/Church remodel/addtn.	0	0		\$0.00	\$0.00
Sheds	2	2	0	\$1,850.00	\$242.00
Fences	5	5	0	\$12,990.00	\$377.00
Garage	0	0	0	\$0.00	\$0.00
Swimming Pools	0	0	0	\$0.00	\$0.00
Misc. Permits	6	6	0	\$41,561.00	\$766.00
Misc. Flood damage repair	2	2	0	\$14,500.00	\$0.00
Signs	3	0	3	\$3,605.00	\$713.00
Fire Repair	0	0	0	\$0	\$0
Total:	108	102	6	\$929,180.00	\$14,518.00
Electrical Permits	16	11	5		\$1,485.00
Mechanical Permits	4	3	1	0	\$316.00
Plumbing Permits	17	16	1		\$1,253.00
Water Meters	1	1	0		\$100.00
Water Taps	2	1	1		\$400.00
Sewer Taps	3	3	0		\$1,200.00
Total:	23	21	2		\$2,953.00

October Code Enforcement: 95 warnings issued and 12 citations were issued.

There were 53 final building inspections, 17 plumbing inspections, and 28 electrical inspections. There were 2 electrical exams given.

• **Fire Department Report for November 2008**

	Month	Y.T.D.	Previous Y.T.D.	Task Hours
General Alarms	10	137	136	
Car Fires	2	16	10	
Still Alarms	9	132	115	
Ambulance calls	0	1	1	

• **Workplace Safety Report for November 2008**

There were no incidents reported in November. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2008	Total in 2007	Restricted Days 2008	Lost Workdays This Year	Restricted Days Last Year (2007)	Lost Workdays Last Year (2007)
Parks	0	3	6	0	0	0	0
Fire	0	1	1	0	0	0	0
Police	0	6	10	0	21	55	70
Street	0	6	2	3	2	0	0
Water & Sewer	0	6	3	0	0	0	0
Maint.	0	0	0	0	0	0	0
Other	0	0	3	0	0	0	0
TOTALS	0	22	25	3	23	55	70

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

Unfinished Business and General Orders:

1. **Proposed Ordinance No. 1417:** An Ordinance Authorizing, Accepting and Acknowledging the Contribution of Wal-Mart to be used in Support of the "Shop with a Cop Program", then conveying the proceeds of the gift, on deposit to the Municipal Donation Fund to the Highland Fraternal Order of Police Lodge, in support of its role in administering the program and to support the reimbursement of any expenses incurred by participating police officers in the Shop with a Cop Program, all Pursuant to IC 36-1-3, and IC 36-5,et Seq.

Councilor Vassar introduced and moved the consideration at the same meeting of introduction of Ordinance No. 1417. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Novak moved the passage and adoption at the same meeting of introduction of Ordinance No. 1417. Councilor Vassar seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

Ordinance No. 1417 of the TOWN of HIGHLAND, INDIANA

An Ordinance Authorizing, Accepting and Acknowledging the Contribution of Wal Mart to be used in Support of the "Shop with a Cop Program", then conveying the proceeds of the gift, on deposit to the Municipal Donation Fund to the Highland Fraternal Order of Police Lodge, in support of its role in administering the program and to support the reimbursement of any expenses incurred by participating police officers in the *Shop with a Cop Program*, ALL PURSUANT TO IC 36-1-3, AND IC 36-5,ET SEQ.

WHEREAS, The Town of Highland is a local unit of general government governed by a Town Council, which is both the fiscal and legislative body of the Town;

WHEREAS, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

WHEREAS, IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through passage of an ordinance passed by the legislative body;

WHEREAS, The Town Council as the governing body for the municipality, may accept donations of money or other property from the state or federal government or any other source, pursuant to its general powers conferred in IC 36-1-4-10; and

WHEREAS, The Town Council has been advised that Wal-Mart, did make a contribution in the amount of \$1,000 to support the "**Shop with a Cop Program**", and the participation of police officers of the Highland Metropolitan Police Department; and,

WHEREAS, That in order to access some administrative capacity for the administration and execution of this worthwhile program, the Metropolitan Police Chief, requested that the Highland Lodge of the Fraternal Order of Police carry-out the assignments and administration related to this program; and,

WHEREAS, The Fraternal Order of Police agreed to the request and incurred expenses, properly documented, in the amount of \$1,000 which were fully incurred in support of the Wal-Mart sponsored "Shop with a Cop" program, and now are seeking reimbursement; and

WHEREAS, The Town Council desires to accept the grant from Wal-Mart in support of Shop with a Cop Program, authorize the Metropolitan Police Department's participation in it, and to further authorize the reimbursement to the Fraternal Order of Police, Donald Sheppard Lodge, for the costs incurred in consequence of administering this program; and,

WHEREAS, The Town Council believes this action to be necessary and desirable for the conduct of the affairs of the Town, and in the public interest, consistent with the powers granted under IC 36-1-3 et seq.;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Highland Town Council as the legislative and fiscal body of the municipality now finds, determines that the contribution presented by Wal-Mart Company in the amount of on thousand dollars (\$1,000) be acknowledged and duly accepted;

Section 2. That the Highland Town Council as the legislative and fiscal body of the municipality now finds, determines that the participation by the Highland Metropolitan Police Department in the Shop with a Cop Program to be of positive public effect, necessary and desirable as well as in the public interest;

Section 3. That the informal agreement with the Highland Fraternal Order of Police, Donald Shepherd Lodge, to assist the participation of the Highland Metropolitan Police Department in the Shop with a Cop Program by providing administrative and organization support to be of positive public effect, and hereby *ratified*, authorized and approved;

Section 4. That the Highland Town Council as the legislative and fiscal body of the municipality now further finds, determines that it is necessary and desirable as well as in the public interest to reimburse or contribute to the Donald Sheppard Memorial Lodge of the Fraternal Order of Police, for its duly incurred expenses in the course of carrying out and support the participation in the "Shop with a Cop" Program;

Section 5. That the Clerk-Treasurer be authorized and directed to take such steps as necessary to carryout the purposes on this ordinance;

Section 6 That an emergency exists for the immediate taking effect of this Ordinance, so it shall become and be in full force and effect from and after the date of its passage and adoption evidenced by the executive's signature in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 8th day of December 2008. Consideration on First Reading Sustained a vote of 5 in Favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 8th Day of December 2008, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. Proposed Ordinance No. 1418: AN ORDINANCE AUTHORIZING THE TOWN OF HIGHLAND TO BORROW MONEY AND TO ISSUE TAX ANTICIPATION WARRANTS THEREFORE FOR THE YEAR 2009, ALL PURSUANT TO I.C. 36-5-2-12.

Councilor Herak introduced and moved the consideration at the same meeting of introduction of Ordinance No. 1418. Councilor Novak seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Vassar moved the passage and adoption at the same meeting of introduction of Ordinance No. 1418. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

TOWN OF HIGHLAND
ORDINANCE No. 1418

AN ORDINANCE AUTHORIZING THE TOWN OF HIGHLAND TO BORROW MONEY AND TO ISSUE TAX ANTICIPATION WARRANTS THEREFORE FOR THE YEAR 2009, ALL PURSUANT TO I.C. 36-5-2-12.

WHEREAS, The Town Council of the Town of Highland ("Town") hereby finds that an emergency exists for the borrowing of money with which to meet the expenses of said Town that will be incurred at the end of 2008 and in 2009 to be paid from the Town *General Fund*, and the *Parks & Recreation Fund*, all of said Town, which expenses must be met prior to the receipt of the final settlement and distribution of taxes for the year 2007, collectible in the year 2008 as well as taxes for the year 2008 collectible in the year 2009 and thereafter;

WHEREAS, The Clerk-Treasurer has presented to the Town Council a recommendation that the Town issue a temporary loan in the amount not to exceed **\$2,497,929** for the *General Fund* and the *Parks & Recreation Fund*, in the amounts and subject to the terms hereinafter set forth:

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the Town Council of the Town of Highland, Indiana ("Town"), as follows:

Section 1. That the Town issue a temporary loan for and on behalf of the General Fund and the Parks & Recreation Fund in the aggregate *amount not to exceed \$2,497,929*. The loans shall be used for meeting expenses of the Town included in the regular budget and appropriations adopted for the year 2009 which expenses must be met prior to the receipt of the final settlement and distribution of taxes for the year 2009, including but not limited to the refinancing of warrants for such funds that will mature in 2008.

Section 2. In the event that property tax distributions which are dedicated to the payment of warrants issued by the Town in calendar year 2008 are delayed, the Clerk-Treasurer is hereby authorized and directed to negotiate an extension of the 2008 warrants to a date not later than the earlier of (i) five business days after the receipt of such tax distribution or (ii) June 30, 2009. The officers of this Town Council are hereby authorized to execute and deliver any certificates and agreements necessary to complete the extension of the 2008 warrants.

Section 3. That such temporary loan shall be evidenced by warrants of the Town dated as of the date of delivery thereof, bearing interest at a rate not to exceed **6% per annum** (*the exact rate to be determined by negotiation conducted by the Clerk-Treasurer*), which interest shall be payable at the time of the final payment of the principal of said warrants and said warrants shall mature and be payable as follows:

<u>FUND</u>	<u>TOTAL</u>	<u>MATURING</u>
General	\$ 2,009,000	December 31, 2009
Parks & Recreation	\$ 488,929	December 31, 2009

Section 4. That interest shall be calculated on a **365 day basis**. A sufficient amount of the revenues of the Town to be derived from the Town General and the Parks & Recreation Funds' levy is hereby appropriated and pledged for the payment of the principal amount of said warrants to be issued at maturity on account of the taxes for the year 2008, collectible in the year 2009 and thereafter, and a sufficient amount of the revenues of the Town to be derived from such Fund is hereby appropriated and pledged for the payment of interest on said warrants at maturity.

Section 5. That the Clerk-Treasurer of said Town is hereby authorized and directed to pay the principal amount of the warrant of the tax revenues of each fund and the interest on the warrants from the designated Fund upon the presentation thereof at or after maturity. The warrants will be delivered on or about December 31, 2009.

Section 6. That said warrants shall be signed by the President of the Town Council and the seal of the Town shall be affixed thereto and attested by the signature of the Clerk-Treasurer of the Town.

Section 7. That said warrants shall be payable at the office of Clerk-Treasurer of the Town. Said warrants shall, on the face thereof, indicate that it is issued for the Town General and the Parks & Recreation Funds and payable out of the respective Fund's revenues.

Section 8. That said warrants shall be issued in substantially the following form, all blanks to be properly filled in prior to delivery, to-wit:

No. ____

UNITED STATES OF AMERICA

STATE OF INDIANA

COUNTY OF LAKE

TOWN OF HIGHLAND, INDIANA
TEMPORARY LOAN WARRANT
_____ FUND

FOR VALUE RECEIVED, The Town of Highland, Indiana, will pay to _____ at the office of the Clerk-Treasurer, Lake County, Indiana, on December 31, 2009, to the extent drawn hereunder the maximum sum of _____ Dollars (\$_____) with interest thereon, at the rate of _____% per annum, computed from the date of each draw to the date of repayment, calculated on a **365-day basis**. Draws upon this warrant shall be made upon five days' written notice and shall be noted upon this warrant. Multiple draws and repayments may be made under this warrant provided that the outstanding principal balance may at no time exceed \$_____.

This warrant evidences a temporary loan aggregating _____ (_____) authorized by Ordinance passed and adopted by the Town Council of Highland, Indiana on _____, and in accordance with Indiana Code, Article 36, Title 5, Chapter 2, and all other acts amendatory thereof or supplemental thereto, for the purpose of procuring a temporary loan for the _____ Fund of said Town.

This warrant is issued in anticipation of the tax levy made for the _____ Fund in the year 2008, collectible in the year 2009 and thereafter, which tax levy is now in the course of collection and to the payment of the principal amount and the interest thereon, of the revenues to be derived from the _____ Fund levy, a sufficient amount of the revenues to be derived from the _____ Fund levy has been and is hereby appropriated and pledged.

This temporary loan warrant has been designated as a qualified obligation pursuant to Section 265(b)(3) of the Internal Revenue Code.

It is hereby certified that in the execution of this warrant, all provisions of the Constitution and the Statutes of the State of Indiana relating thereto have been complied with, that the _____ Fund tax levy from the proceeds from which the principal amount of and interest thereon this warrant is payable, together with other revenues in that Fund, are valid and legal levies; and that said Town will reserve a sufficient amount in the _____ Fund for the payment of the principal of and interest on these warrants.

IN WITNESS WHEREOF, the Town of Highland, Indiana, has caused this warrant to be signed in its name by the President of the Town Council and attested by the Clerk-Treasurer as of the ____ day of December, 2008.

TOWN OF HIGHLAND, INDIANA

By: _____
President of the Town Council
Town of Highland, Indiana

Attest:

Clerk-Treasurer
Town of Highland, Indiana

<u>Date</u>	<u>Amount Drawn or Repaid</u>	<u>Outstanding Balance</u>
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*** End of Form of Warrant***

Section 9. The Clerk-Treasurer shall cause to be published a Notice of such sale in accordance with legal requirements. The Notice shall state the time and place of sale, the total amount thereof, the time of payment, the terms and conditions on which bids shall be received and the sale made, and such other information as the Clerk-Treasurer shall determine necessary or appropriate to inform prospective bidders.

Section 10. Bidders shall **not** submit a good faith deposit.

Section 11. The Town Council hereby authorizes the Clerk-Treasurer to receive and open the bids and upon compilation of the bids, to award the warrants to the bidder providing the lowest interest cost.

Section 12. The Clerk-Treasurer shall award the tax anticipation warrants to the highest responsible and responsive bidder. All bids shall be not less than par. Such highest bidder shall be the one who offers the lowest net interest cost to the Town of HIGHLAND to be determined by computing the total interest on all of the warrants to their maturities, and deducting therefrom the premium bid, if any.

Section 13. The Clerk-Treasurer shall have full right to reject any and all bids and to waive any informalities.

Section 14. That in order to preserve the exclusion of interest on any tax exempt series of warrants from gross income for Federal income tax purposes and as an inducement to purchasers of the warrants, the Town represents, covenants and agrees that:

(a) No person or entity, other than the Town or another governmental unit, will use proceeds of the warrants or property financed by the warrant proceeds other than the Town or another governmental unit will own property financed by warrant proceeds or will have actual or beneficial use of such property pursuant to a lease, a management or incentive payment contract or to any other type or arrangement that differentiates that person's or entity's use of such property from the use by the public at large.

(b) No warrant proceeds will be loaned to any entity or person. No warrant proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the warrant proceeds.

(c) The Town will, to the extent necessary to preserve the exclusion of interest on the tax-exempt warrants from gross income for federal income tax purposes, rebate all required arbitrage profits on warrant proceeds or other monies treated as warrant proceeds to the federal government as provided in Section 148 of the Internal Revenue Code of 1986, and will set aside such monies in a Rebate Account to be held by the Clerk-Treasurer in trust for such purpose.

(d) The Town will file an information report with the Internal Revenue Service as required by Section 149 of the Internal Revenue Code of 1986.

(e) The Town will not take any action nor fail to take any action with respect to the warrants that would result in the loss of the exclusion from gross income for federal income tax purposes of interest on the tax-exempt warrants pursuant to Section 103 of the Internal Revenue Code of 1986, as existing on the date of issuance of the warrants, nor will the Town act in any other manner which would adversely affect such exclusion.

Section 15. That the Town represents that tax-exempt obligations issued by or on behalf of it and any entity subordinate to it in the calendar year 2008 will not exceed \$10,000,000 and that there are no entities to which it is subordinate. The Town hereby designates the warrants as qualified obligations for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, relating to the disallowance of 100% of the deduction for interest expense allocable to tax-exempt obligations acquired after August 7, 1986.

Section 16. That all ordinances in conflict with this one are hereby repealed and have no further force or effect.

Introduced and Filed on the 8th day of December 2008. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 8th Day of December 2008 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

3. **Resolution No. 2008-52:** An Exigent Resolution Providing for the Transfer of Appropriation Balances from and among Major Budget Classifications in the Parks and Recreation Fund as Requested by the Department Head or Proper Officer and Forwarded to the Town Council for its action pursuant to IC 6-1.1-18-6.

Councilor Herak moved the passage and adoption of Resolution No. 2008-52. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN of HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2008-52**

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the PARKS AND RECREATION FUND as REQUESTED by the DEPARTMENT HEAD or PROPER OFFICER and FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the annual budget and it is now necessary to transfer certain appropriations into different categories than were appropriated in the annual budget for the various functions of the **Parks and Recreation Fund**;

WHEREAS, The Town Council has been advised that the transfers could involve creation and authorization of a major expense category, for which no appropriations were approved in the current budget;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes herein specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing appropriations of the Parks and Recreation Fund have unobligated balances which will not be needed at this time for the purposes for which appropriated, so it will not be necessary to increase the 2008 budget, and may be transferred to a category of appropriation not heretofore present in this department or office of the fund, but now hereby authorized and established, as follows:

PARKS AND RECREATION (GENERAL) FUND

Reduce Account:	#386.00 Recreation Services	\$ 13,500.00
	<i>Total 400 Series Reductions</i>	\$ 13,500.00
Increase Accounts:	#111.05 Clerks salaries	\$ 2,300.00
	#111.16 Custodian wages	\$ 1,900.00
	#111.27 Superintendent salary	\$ 2,420.00
	#111.30 Overtime	\$ 1,000.00
	#111.31 Laborer wages	\$ 560.00
	#111.34 Secretary wages	\$ 1,000.00
	#111.36 Park Dir/Rec Asst. Wages	\$ 4,320.00
	<i>Total 100 Series Increases</i>	\$ 13,500.00
Total of All Fund Decreases:		\$ 13,500.00
Total of All Fund Increases:		\$ 13,500.00

DULY RESOLVED and ADOPTED this 8th Day of December 2008 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

4. **Resolution No. 2008-53:** An Exigent Resolution Providing for the Transfer of Appropriation Balances from and among Major Budget Classifications in the Motor Vehicle Highway Fund as Requested by the Department Head or Proper Officer and Forwarded to the Town Council for its action pursuant to IC 6-1.1-18-6.

Councilor Vassar moved the passage and adoption of Resolution No. 2008-53. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN of HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2008-53**

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the MOTOR VEHICLE HIGHWAY (MVH) FUND as REQUESTED by the DEPARTMENT HEAD or PROPER OFFICER and FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the annual budget and it is now necessary to transfer certain appropriations into different categories than were appropriated in the annual budget for the various functions of the **Motor Vehicle Highway (MVH) Fund**;

WHEREAS, The Town Council has been advised that the transfers could involve creation and authorization of a major expense category, for which no appropriations were approved in the current budget;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes herein specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing appropriations of the Motor Vehicle Highway (MVH) Fund have unobligated balances which will not be needed at this time for the purposes for which appropriated, so it will not be necessary to increase the 2008 budget, and may be transferred to a category of appropriation not heretofore present in this department or office of the fund, but now hereby authorized and established, as follows:

MOTOR VEHICLE HIGHWAY (MVH) FUND

Reduce Account:	#390.09 Construction Reconst. Street	\$ 33,278.49
	<i>Total 300 Series Reductions</i>	\$ 33,278.49
Increase Account:	#111.31 Labor Wages	\$ 33,278.49
	<i>Total 100 Series Increases</i>	\$ 33,278.49
Total of All Fund Decreases:		\$ 33,278.49
Total of All Fund Increases:		\$ 33,278.49

DULY RESOLVED and ADOPTED this 8th Day of December 2008 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

5. **Resolution No. 2008-54:** A RESOLUTION of the FISCAL BODY of the TOWN of HIGHLAND FIXING the OFFICIAL FAITHFUL PERFORMANCE BOND of the MUNICIPAL FISCAL OFFICER PURSUANT to I.C. 5-4-1 et seq.

Councilor Novak moved the passage and adoption of Resolution No. 2008-54. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN of HIGHLAND
Town Council Resolution No. 2008-54**

A RESOLUTION of the FISCAL BODY of the TOWN of HIGHLAND FIXING the OFFICIAL FAITHFUL PERFORMANCE BOND of the MUNICIPAL FISCAL OFFICER PURSUANT to I.C. 5-4-1 et seq.

WHEREAS, The Town Council of the Town of Highland serves as both the legislative and fiscal body of the municipality, all pursuant to I.C. 36-1-2-6, I.C.36-1-1-2-9 and I.C. 36-5-2-2;

WHEREAS, The Clerk-Treasurer is required to file an individual surety bond conditioned on the Clerk-Treasurer's faithful performance of the duties of the office of clerk-treasurer, including the duty to comply with I.C. 35-44-1-22 pursuant to I.C. 5-4-1-18(2) with such filing subject to I.C. 5-4-1-9;

WHEREAS, The Highland Town Council now desires to comply with the provisions of law identified herein,

NOW, THEREFORE, BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Town Council hereby fixes the Individual surety for the clerk-treasurer for the year 2009 in the amount of Three Hundred Thousand Dollars (\$300,000);

Section 2. That the Town Council hereby finds and determines that the subject amount fixed for the bond is established according to the values and thresholds set forth in I.C. 5-4-18(c) which particularly states:

(a) The amount must equal fifteen thousand dollars (\$15,000) for each one million dollars (\$1,000,000) of receipts of the officer's office during the last complete fiscal year before the purchase of the bond, which such amount being in Fiscal Year 2007 a net revenue of Twenty-three million, two hundred seventy five thousand, two hundred fifty-seven dollars and sixty-nine cents (\$23,275,257.69) for the purposes of the clerk-treasurer surety; and

(b) The amount may not be less than Fifteen Thousand dollars (\$15,000) nor more than Three Hundred Thousand Dollars (\$300,000);

Section 3. That the Clerk-Treasurer be instructed and authorized to procure a surety bond pursuant to this resolution and that the proper officers take such steps as necessary to carry out the objects and purposes of this resolution.

DULY RESOLVED and ADOPTED this 8th Day of December 2008, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer

6. **Works Board Order No. 2008-35:** An Order Ratifying, Approving and Authorizing the Fire Chief to Enter into a Purchase Agreement with Company Two for the Acquisition of an F-550 Brush Truck, pursuant to IC 5-22 et seq.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2008-35. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2008-35**

AN ORDER RATIFYING, APPROVING AND AUTHORIZING THE FIRE CHIEF TO ENTER INTO A PURCHASE AGREEMENT WITH COMPANY TWO FOR THE ACQUISITION OF AN F-550 BRUSH TRUCK, PURSUANT TO IC 5-22 ET SEQ.

Whereas, The Town of Highland Fire Department, as part of its public duties, has responsibility for fire suppression, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carryout the functions of the department; and

Whereas, The Fire Chief, pursuant to §31.19(D)(4) of the Highland Municipal Code, serves as the Purchasing Agent for the Fire Department; and

Whereas, The Purchasing Agent, pursuant to §31.20(I)(6) of the Highland Municipal Code and IC 5-22-10-5, did not solicit bids or proposals in support of the acquisition of a Fire Brush Truck, offered for sale by a South Carolina Municipal Fire Department through a broker because he believed that this particular purchase constitutes a" special purchase" owing to the fact there exists a unique opportunity to obtain this vehicle at a substantial savings to the governmental body;

Whereas, The Purchasing Agent, recommends that the Fire Brush Truck, identified as a 2006 F-550 Brush Truck, 4x4 be purchased at the price of seventy thousand dollars (\$70,000);

Whereas, The Town Council as the Works Board of the Municipality, pursuant to §31.17(A)(5) of the Highland Municipal Code serves as purchasing agency for the Fire Department;

Whereas, The purchase price exceeds \$10,000.00 and, pursuant to §31.18(C) and § 31.19(B)(1)(b) of the Highland Municipal Code, the purchasing agent requires the express approval of the purchasing agency to execute the purchase;

Whereas, The purchase will be supported by a budgeted account in the Municipal Cumulative Capital Development Fund and there is sufficient appropriation in order to support the purchase; and

Whereas, The Town Council now desires to approve and authorize the Fire Chief to complete the purchase contract pursuant to the terms stated herein,

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

Section 1. That the Works Board hereby finds and determines that the acquisition of a particular Fire Brush Truck, offered for sale by a South Carolina municipal Fire Department through its broker, identified as *Company Two*, 283 Foster Road, Varnville, South Carolina 29944, qualifies as a "special purchase" because there exists a unique opportunity to obtain this vehicle at a substantial savings to the governmental body, all pursuant to §31.20(I)(6) of the Highland Municipal Code and IC 5-22-10-5;

Section 2. That the Fire Chief is hereby directed and authorized to purchase the **Fire Brush Truck, identified as a 2006 F-550 Brush Truck, 4x4 at the price of seventy thousand dollars (\$70,000);**

Section 3. That the Fire Chief is hereby authorized to issue a purchase order to *Company Two*, 283 Foster Road, Varnville, South Carolina 29944 and to execute all documents necessary to implement the purchase thereof;

Section 4. That the Municipal Fiscal Officer is hereby authorized to expend moneys from the proper account of the Fire Department in the Corporation General Fund in order to support and implement the purchase.

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 8th day of December 2008 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

7. **Works Board Order No. 2008-36:** An Order Authorizing the closure of the municipal building on December 22, 2008 from 1:30 PM to 4:30 PM to enable the staff and their families to participate in a Christmas party at the Public Works Facility.

Councilor Herak moved the passage and adoption of Works Board Order No. 2008-36. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**The Town of Highland
Board of Works
Order of the Works Board No. 2008-36**

AN ORDER for the TEMPORARY CLOSING OF MUNICIPAL BUILDING at the
MUNICIPAL BUILDING on MONDAY, DECEMBER 22, 2008

Whereas, The Town Council has been reliably advised that owing to worker initiated holiday events and needed opportunities to address administrative needs, it may be advisable to reduce access hours to the municipal building while maintaining a scheduled workday;

Whereas, Pursuant to IC 36-1-24(3), the Town Council is also the Works Board for the Town of Highland and governs the hours and other matters related to the Town Hall;

Whereas, The Town Council now desires to modify the access hours of the Highland Municipal Building on Monday, December 22, 2008;

Now Therefore be it hereby Ordered by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1 That the usual hours of public access at the administrative and associated offices (non-public safety) at the Highland Municipal Building on Monday, December 22, 2008 are hereby fixed at **8:30 a.m. to 1:30 p.m.** but the usual hours of operation or the scheduled workday are unchanged;

Section 2. That the affected department heads and the Clerk-Treasurer shall carry out the purposes of this order;

Section 3. That the Clerk-Treasurer will take steps by appropriate media release to give notice of the subject of this order;

Section 4. That this order shall be effective on and from its passage and adoption body;

Be it so Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 8th day of December 2008 having passed by a vote of 5 in favor and 0 opposed.

**WORKS BOARD of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, **Clerk-Treasurer** (IC 33-16-4-1;IC 36-5-6-5)

8. **Works Board Order No. 2008-37:** An Order Authorizing and Adopting a Policy Establishing a Snow and Ice Control Operations Policy for the care of Streets and Roads.

Councilor Vassar moved the passage and adoption of Works Board Order No. 2008-37. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

After the motion but prior to the roll call a colloquy ensued between and among the members of the Town Council and the Public Works Director regarding the actual salting procedures and the comparative costs per ton of salt from last year to the current year, noting that the previous year was approximately fixed at \$36 per ton and the low bid for the current year was \$102 per ton.

**TOWN of HIGHLAND
BOARD OF WORKS
Order of the Works Board No. 2008-37**

AN ORDER ADOPTING AND APPROVING A SNOW REMOVAL OPERATIONS PLAN

WHEREAS, The Town Council of the Town of Highland serves as the Works Board of the Town, pursuant to IC 36-1-2-24(3);and

WHEREAS, The Town of Highland is a unit, which may establish, vacate, maintain and operate public ways, all pursuant to I.C. 36-9-2-5

WHEREAS, The Public Works Director, pursuant to his powers and duties as set forth in Section §33.43 of the Highland Municipal Code, manages and has charge of the Street Department, and has recommended that the Town Council adopt a policy governing snow and ice control operations on the local roads and streets of the Town; and

WHEREAS, The Town Council has reviewed the policy as recommended and prepared by the Public Works Director and now wishes to authorize and adopt such a policy;

NOW, THEREFORE, BE Ordered, by the Town Council of Highland, Indiana, acting as the Works Board:

Section 1. That the policy entitled Snow and Ice Control Operations, a copy of which is incorporated as an exhibit to this order, is hereby authorized and approved;

Section 2. That the Public Works Director is hereby authorized and instructed to take such steps as necessary to implement and carry-out the policy according to the terms herein adopted, for Snow and Ice Control operations associated with local roads and streets in the Town of Highland;

Be it So Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 8th day of December 2008 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

Comments from the Town Council Members
(Good of the Order)

Councilor Mark Herak: *Parks and Recreation Board Liaison Advisory Board of Zoning Appeals Liaison • Board of Sanitary Commissioners Liaison • Special Events Advisory Committee, Liaison.*

Councilor Herak noted the recent death of Harry Smolen, who had served on the Town's Board of Metropolitan Police Commissioners and the Board of Sanitary Commissioners, and conveyed condolences to the family.

Councilor Herak reported that the Parks and Recreation Department continued to develop its five year master plan. He reported that a final presentation regarding the master plan was scheduled for March 2009.

Councilor Dan Vassar: *• Building and Inspection Committee • Plan Commission member.*

Councilor Vassar favorably noted the recent meeting conducted jointly with the Town Council and the Board of Sanitary Commissioners regarding its development of a comprehensive response plan to deal with the flooding issues in the Town. Councilor Vassar again expressed his position that attention to the issue of flooding in Town is a priority.

Councilor Brian Novak: *• Waterworks Board Liaison • Fire Personnel Committee Lake County Solid Waste Management District Board of Directors member • Insurance Committee, member.*

Councilor Novak commented favorably on the acquisition of the Fire Brush Truck by the Fire Department (and just authorized by the Town Council's adoption of Works Board Order No. 2008-35.)

Councilor Novak also reported that the Lake County Solid Waste Management District Board of Directors had a meeting scheduled for December 18, 2008.

Councilor Konnie Kuiper: *Town Board of Metropolitan Police Commissioners Liaison • Traffic Safety Commission Member • Chamber of Commerce Liaison.*

Councilor Kuiper reported that the Spring Ditch culvert was damaged and was likely to be repaired with proceeds from the Lake County Drainage Board.

Councilor Kuiper commended the Metropolitan Police Chief for his recent personal apprehension and arrest of a person suspected of involvement with a series of burglaries in the Town.

Councilor Bernie Zemen: *Town Executive • Police Pension Board of Trustees Chair • Budget Committee Chair • Redevelopment Commission Liaison • Plan Commission member • Insurance Committee, member.*

The Town Council President reported through the Redevelopment Director that there was now a special community information video link on the municipal website (www.highland.in.gov). It was further noted that the **design standards** for the redevelopment area in the Downtown were slated to be adopted by the Redevelopment Commission.

Comments from the Public or Visitors.

1. Vern Sieb, 3024 Lakeside Drive, Highland, inquired whether or not the Town of Highland has a person who may serve as a liaison to the Little Calumet River Basin Development Commission. It was noted that the Public Works Director serves in that fashion.

Payment of Accounts Payable Vouchers. There being no further business from the public or visitors, Councilor Herak moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period November 25, 2008 through to December 08, 2008. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

General Fund, \$141,287.09; Motor Vehicle Highway and Street (MVH) Fund, \$41,505.03; Law Enforcement Continuing Education and Training Fund, \$799.73; Insurance Premium Fund, \$93,835.41; Information and Communications Technology Fund, \$8,232.99; Special Events Non Reverting Fund, \$400.00; Police Pension Fund, \$58,209.37; Municipal Cumulative Capital Development Fund, \$139,530.75; Safe Neighborhood Grant Fund, \$1,615.38; Corporation Capital Fund, \$9,546.82; Total: \$494,962.57.

Adjournment. Councilor Vassar moved that the regular meeting be adjourned. Councilor Novak seconded. Upon a vote, *viva voce*, the motion passed. The regular meeting of the Town Council meeting of Monday, December 08, 2008 was adjourned at 7:45 O'clock p.m. A study session immediately followed.

Study Session. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session following the regular meeting on Monday, December 08, 2008 at 7:50 O'clock P.M. in the regular place, the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark A. Herak, Dan Vassar, Brian Novak and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Ed Dabrowski of the Parks and Recreation Board; and Laurel Roach and Karen Ziants of the Community Events Commission were also present.

General Substance of Matters Discussed.

1. The Town Council discussed with Karen Ziants and Laurel Roach the progress and status on the efforts and planning of the Community Events Commission for the Centennial of the Town's Incorporation. It was noted that the 100th anniversary of the town's incorporation would occur on April 4, 2010. The discussion included considering the possibility of establishing a separate, select committee to deal with the centennial, which would include representatives of the Community Events Commission.

The discussion included the merits of banning distribution of candy to persons along the parade route for safety reasons. Some councilors expressed resistance to instituting such a total ban.

The discussion further included the import of seeking enhanced enforcement along the sidelines of the parade route that would successfully move persons back to behind the curbs. Some suggestions included possibly painting a line that would be a denoted barrier for the parade spectators or using a snow fence or rope lines.

The discussion further included ways and means or fundraising for the centennial and the whether a prospective "gala" should be convened at either the Wicker Park Social Center or St. James Parish Fellowship Hall.

2. The Town Council discussed the recent initiative pressed by Police Commander Georgeff regarding the possible purchase of the house and property located at 3309 Ridge Road. The discussion included whether or not the present economic climate presented an acceptable time for such a move. The discussion further included acknowledging that if the purchase was to supplement land for a reconstruction of the present municipal building that no clear plan was in place for such a project. There was concern expressed for the current stewardship of the property acquired at 3315 Ridge Road.

The discussion also included consideration of pending capital initiative of the Parks and Recreation Department to retrofit and reconstruct the Lincoln Community Center and the impact of the project to taxpayers. The discussion further included concerns expressed by Councilor Vassar regarding the adequacy of staffing in the current center and the sufficiency of rules enforcement and non-resident fees collection. Councilor Vassar related a recent experience in which he observed examples of the previous described issues. The discussion further included colloquy over whether or not the Parks and Recreation Department had meaningfully responded to questions presented by the Town Council to the Board regarding concerns over the adequacy of staffing in the current center and the sufficiency of rules enforcement and non-resident fees collection.

It was noted that immediately after this study session, the Town Council would be attending an informal social gathering for food and refreshments at Langel's Restaurant on Highway Avenue, Highland at the invitation of the Westland, Tauber and Bennett, P.C. (*Confer with IC 5-14-1.5-2(c)(1).*)

There being no further business for discussion before the Town Council, the study session following the standing meeting of Monday, December 08, 2008 was adjourned at 8:20 o'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer